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Attorneys for Complainant

**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

MANN-SHEUE WANG, P.T.
218 Silverlake Drive
Milpitas, CA 95035

Physical Therapist License No. PT 12325

Respondent.

Case No. 1D 2006 64732

OAH No.

ACCUSATION

Complainant alleges:

PARTIES

1. Steven K. Hartzell (Complainant) brings this Accusation solely in his official capacity as the Executive Officer of the Physical Therapy Board of California, Department of Consumer Affairs.
2. On or about September 6, 1984, the Physical Therapy Board of California issued Physical Therapist License Number PT 12325 to Mann-Sheue Wang (Respondent). The Physical Therapist License was in full force and effect at all times relevant to the charges being brought

ry 28, 2011, unless renewed. Respondent is not, however,
myography (ENMG) in the State of California.

JURISDICTION

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4 3. This Accusation is brought before the Physical Therapy Board of California
5 (Board), Department of Consumer Affairs, under the authority of the following laws. All section
6 references are to the Business and Professions Code (Code) unless otherwise indicated.

7 4. Section 2620.5 of the Code states:
8 öA physical therapist may, upon specified authorization of a physician and surgeon,
9 perform tissue penetration for the purpose of evaluating neuromuscular performance as a part of
10 the practice of physical therapy, as defined in Section 2620, provided the physical therapist is
11 certified by the board to perform the tissue penetration and evaluation and provided the physical
12 therapist does not develop or make diagnostic or prognostic interpretations of the data obtained.
13 Any physical therapist who develops or makes a diagnostic or prognostic interpretation of this
14 data is in violation of the Medical Practice Act (Chapter 5 (commencing with Section 2000) of
15 Division 2), and may be subject to all of the sanctions and penalties set forth in that act.ö

16 5. Section 2660 of the Code states:
17 öThe board may, after the conduct of appropriate proceedings under the Administrative
18 Procedure Act, suspend for not more than 12 months, or revoke, or impose probationary
19 conditions upon any license, certificate, or approval issued under this chapter for unprofessional
20 conduct that includes, but is not limited to, one or any combination of the following causes:

21 ö. . .
22 ö(h) Conviction of a violation of any of the provisions of this chapter or of the Medical
23 Practice Act, or violating, or attempting to violate, directly or indirectly, or assisting in or abetting
24 the violating of, or conspiring to violate any provision or term of this chapter or of the Medical
25 Practice Act.

26 ö. . .
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28

any fraudulent, dishonest, or corrupt act that is substantially
ns, functions, or duties of a physical therapist or physical

therapist assistant.

ö. . . ö

6. California Code of Regulations Title 16, Division 13.2, Article 11, Section
1399.61 states:

öNo physical therapist shall perform tissue penetration for the purpose of making an
electromyographical evaluation unless he or she is certified by the board to perform such tests or
such practice is appropriately supervised pursuant to Sections 1399.63 or 1399.64 in order to
meet the experience requirements for examination by the board for certification.ö

FIRST CAUSE FOR DISCIPLINE
(Unlicensed Practice)

7. Respondent performed tissue penetration for the purpose of making an
electromyographic evaluation without certification, in violation of Business and Professions Code
Section 2620.5 and California Code of Regulations Title 16, Section 1399.61. Respondent is
therefore subject to disciplinary action under Business and Professions Code sections 2660(h).
The circumstances are as follows:

8. Between July 15, 2002 and July 22, 2005, Respondent billed Health Net \$39,230
for needle electromyography of multiple patients, certifying that she had performed the
electromyographic evaluation in each instance.

9. Between August 1, 2004 and July 31, 2007, Respondent submitted certified claims
to Blue Cross of California for electromyographic evaluation of numerous patients.

SECOND CAUSE FOR DISCIPLINE
(Dishonest Act)

10. Respondent has subjected her license to disciplinary action in that she committed a
dishonest act that is substantially related to the qualifications, functions, or duties of a physical
therapist in violation of Business and Professions Code Section 2660(k).

the First Cause for Discipline are incorporated in this Cause for
set forth.

12. Respondent's certification that the electromyographic evaluations were properly performed was necessarily false, as she did not possess the certification required by section 2620.5 in order to lawfully perform the evaluations.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing the Physical Therapy Board of California issue a decision:

1. Revoking or suspending Physical Therapist License Number PT 12325, issued to Mann-Sheue Wang;
2. Revoking or suspending Respondent Mann-Sheue Wang's authority to supervise physical therapy assistants and aides;
3. Ordering Mann-Sheue Wang to pay the Physical Therapy Board of California the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 2661.5; and
4. Taking such other and further action as deemed necessary and proper.

DATED: June 16, 2010

Original Signed By:

STEVEN K. HARTZELL

Executive Officer

Physical Therapy Board of California

Department of Consumer Affairs

State of California

Complainant

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